SHRI KAMAL MORARKA (Rajas, than): We accept Mr. Bhandare's constitutional position that Speakers, after they assume office, should be away from any party.. .*(Interrupt tions)*....

SHRI M. M. JACOB (Kerala): The significant' point is, a Speaker remaining a Speaker deciding whether he has defected or not, that is going to be a problem there.. .(Interruptions)...

SHRI KAMAL MORARKA; Madam, last year matters were raised here about the Lok Sabha Speaker. Do you want me to go into the conduct of Speakers? They don't know about the Speaker, Mr. Balram .Jakhar . .*(.Interruptions)* ....

SHRI PAW AN KUMAR BANSAL (Punjab) There is no substance in what you are saying.

THE DEPUTY CHAIRMAN; I assure the Members, I will go through the records and see if a reference is made to a particular thing, I will see that the propriety of not referring to the conduct of a speaker is not affected, but as far as the constitutional point that has been raised, is concerned, it is **O.K.**

CONSTITUTION (SIXTY-FOURTH AMENDMENT) BILL 1990

THE DEPUTY CHAIRMAN; Now, Mr. Mufti Mohammad Sayeed to introduce a Bill.

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Madam, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was proposed.

THE DEPUTY CHAIRMAN; Mr. Fernandes will move the Railway Appropriation Bill later when I call him.

Now, Mr. Subramanian Swamy wants to oppose this Bill. Yes, Mr. Swamy.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam Chairman; I oppose the introduction of this Constitutional Amendment! Bill by which the Government wishes to postpone the elections in Punjab because there appears to be no objective reason for this admitted postponement .....*(interruptions)* .... Because there is no objective reason for postponing these elections, I am particularly intrigued because if the Government headed by Mr. Rajiv Gandhi can hold the Parliament elections, then why a Government, here the National Front Government, which claims to be more democratic and more committed to democratic institutions, should find it difficult in such a short period of three months not to be in a position to hold elections in Punjab? I think, it is a very intriguing matter f°r which there is no satisfactory explanation. Madam, this House has not been given any documentary paper, White Paper or report in which any attempt is being made to describe how the situation has deteriorated from November till to-lay which necessitates postponing these elections. The elections in November were peaceful and they were conducted with hardly any violence and those parties which lost the elections naturally say that it was rigged and so on, but all those who were objective observers know that people turned out in large numbers and voted in a big way. Now the people who got elected did not get all that many votes compared to those who did not get elected. If the situation has indeed worsened **now,** the Home Minister should have presented this in some form. In fact, ...*(Time bell rings)* Madam, this is about Punjab and this is not something which you can trivialise by stopping me from speaking. .. *(Interruptions)*

THE DEPUTY CHAIRMAN. You should only oppose the introduction.

SHRI SUBRAMANIAN SWAMY: That is what I am doing. But what would the people think if you are preventing me from speaking on Punjab?

[Shri Subramanian Swamy][1]

They will have a very bad impression. __ *(Interruptions)*

THE DEPUTY CHAIRMAN; The people have got more sense *(Interruptions)*

SHRI SUBRAMANIAN SWAMY: You may think like that. ..(Interruptions) .... You may think like that but I know what is going on in Punjab. You are not able to hold elections and it is quite clear that this is how you have been trifling with others' sentiments.

Now, the question is this: What does the Statement of Objects and Reasons say? The Statement of Objects and Reasons says only this much that the "prevailing circumstances in the State do not hold out good prospects for free and peaceful elections to the State Assembly and there is not support for that except to make this false statement ... .(Interruptions)

Madam, the Home Ministry has, in fact, made a false statement in the Statement of Objects and Reasons wherein he says that the representatives of the various political parties who attended the All-Party Meeting convened by the G°vernor of Punjab at Chandigarh were of the opinion that elections should not be held. But there was no such All-Party Meeting. Only some parties who favour the postponement of elections there were called for the meeting .... (Interruptions) Now he himself finds it very funny, I think (Interruptions)...

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh): You are funny; your questions are funny .*(Interruptions)* ....

SHRI SUBRAMANIAN SWAMY: How do you say it is funny _____ *(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE; My party was represented at Candigarh and I know.

SHRI SUBRAMANIAN SWAMY:; Yes. You oppose elections there *(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE: But you have no party in Punjab!. *(Interruptions)*

SHRI SUBRAMANIAN SWAMY: That is what you say. But our party is there very much ...*(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Swamy, please address the Chair.

SHRI SUBRAMANIAN SWAMY: But you please control them ..... (Interruptions) ....

THE DEPUTY CHAIRMAN; I will control them provided you do not indulge in cross-talks ... .*(Interruptions*

SHRI SUBRAMANIAN SWAMY;in fact, they should make sure that the atrocities on women in Madhya Pradesh do not increase. In fact, a Minister there..... *(Interruptions)*.... according to the "Times of India", is guilty of molesting a maid-servan: _____ *(Interruptions)*

THE DEPUTY CHAIRMAN; You kindly speak on Punjab.

SHRI SUBRAMANIAN SWAMY: Mr. Vajpayee should be worried • • • *(Interruptions)*.... about it.

SHRI ATAL BIHARI VAJPAYEE: I am worried about you.

SHRI SUBRAMANIAN SWAMY; It should be so.

So, Madam, there was no such All-Party Meeting, and whether it is to the liking of someone or not, we happened to be having representation for the Assembly, We are a nationally recognised party and yet it is being excluded. The only reason for which we were excluded—and I got this from my informal talks with the people

in Chandigarh—is that we were not for the postponement of- the elections there. This is. what happned, and, therefore it is wrong on the part of the Home Minister to tell this House that an All-Party Meeting took place in Chandigarh which endorsed the idea of postponement of the elections. Madam Deputy Chairman, the wide-spread impression- in, Punjab is that the National Front Government is postponing the elections the(e because if the elections are held; . ..*(Time bell rings)* .. What do you want me to do?

THE DEPUTY CHAIRMAN: To be brief.

SHRI SUBRAMANIAN SWAMY: I am trying to be as brief as possible.

THE DEPUTY CHAIRMAN: You are an educated person.

SHRI SUBRAMANIAN SWAMY; Exactly. I have taken hardly two minutes. This is a serious, matter and this is a Constitution (Amendment) Bill and you are *not* allowing me.

THE DEPUTY CHAIRMAN; Please do not argue.

SHRI SUBRAMANIAN SWAMY: Then let me finish. I am not goingl to take very much time. But this is a very serious matter.

Now, the widespread impiession in Punjab is that the National Front Government knows that if the elections are held, none of their leaders or their candidates is going to get elected and, in fact, those people only are going to get elected who are not going to listen to them. That is the impression and, indeed, the fact of the matter is that this is compounded by certain personal factors. Madam, as you know, the Deputy Prime Minister. Shri Devi Lal, stood from Firozpur and he saw what the reaction of the people there was and, despite the help of a very prominent leader of Punjab, Shri Prakash Singh Badal who it appears to everybody in Punjab to be the favourite of the National Front Government, Now, it is a sad commentary that after the Open jeep stunt; today, we have a situation where they say that elections cannot be held. If you go in, an open jeep and see how much you are popular there, I cannot see and understand how, all of a sudden, just in three months, situation has changed to a point where we cannot hold elections. Indeed I will say that what happened in the last three or four months is loss of faith, frittering away of the goodwill that was built up during the Lok Sabha elections and a little after that. Failure to take action on the 84 riots in Delhi in which more than 5000 innocent Sikhs were killed and no proper action on the human rights excesses that took place in the State and postponing elections will further aggravate that alienation and that is why I want to oppose it- I would like to say in conclusion .. *(Time bell rings)*.. I have already said 'in conclusion'. Why are you ringing the bell?

THE DEPUTY CHAIRMAN Please be brief.

SHRI SUBRAMANIAN SWAMY: I am. trying to be briel already. Considering how seriously ...

THE DEPUTY CHAIRMAN I know the seriousness of the situation. But I have to keep reminding you *to* be brief because.. ,

SHRI SUBRAMANIAN SWAMY. Don't keep reminding me. I said I am going to conclude and still you are ringing the bell!

Some election, in my opinion, is better than no election at all. Indeed 1 would draw the Home Minister's attention to the fact that in 1977 when elec tions were held in Kashmir there were a lot of people who felt that if elections were held in Kashmir there were come into power who may, in fact be trying to go away from the rest of the

[Shri Subramanian Swamy]

country. And it was a credit to Morarji Desai at that time he held a free and fair election. Janata party lost there but the nation had a cushion in that for the last ten years. I would say that this act of postponing elections is indeed not going to help matters. Indeed it will worsen the matters. You are strengthening the- hands of terrorists, you are strengthening the hands of those who say that no justice can be given from the Centre. Therefore, I want to oppose this Bill.

SHRI PAWAN KUMAR BANSAL: (Punjab) Madam, I want one minute.

THE DEPUTY CHAIRMAN: No, no no other Member can speak. There is a procedure laid down. I have consulted Kaul and Shakdher. Anyone who wants to oppose the introduction of a Bill should give it in writing to the Chairman. Mr. Subramanian Swamy had given it in writing to the Chairman.

SHRI PAWAN KUMAR BANSAL: It is not there in the Rules. Kaul and Shakdher would come after the Rules. Kindly point out the rule if you have been so advised by Kaul and Shakdher. I say with all sense of responsibility the occasion to consult Kaul and Shakdher would arise later, Maybe, Kaul and Shakdher are referring to something in Lok Sabha.

THE DEPUTY CHAIRMAN - It is in reference to the running of the House. I will only permit one person. I will flout the rules and allow one Person but no discussion on it. *(Interruption)* You write to the Chairman. I am not allowing you.

SHRI PAWAN KUMAR BANSAL: I agree, no discussion but submissions we can make..

THE DEPUTY CHAIRMAN; First let me road out

SHRI PAWAN KUMAR BANSAL; After we have made our points.

THE DEPUTY CHAIRMAN; I am reading out Kaul and Shakdher which is an explanation of the rules..

SHRI PAWAN KUMAR BANSAL: Kaul and Shakdher cannot take the place of the rules which this House has made, to govern its proceedings.

THE DEPUTY CHAIRMAN I am not objecting to your opposing the introduction of the Bill. It does not matter to me whether you oppose it or support it. What I am objecting to is the speeches at this stage. If you want to object to the introduction of the Bill in this House first you should have given it in writing to the Chairman and then I will permit you.

SHRI PAWAN KUMAR BANSAL: My submission is that there is no explicit rule for that.

THE DEPUTY CHAIRMAN; Shall I read it out?

SHRI N. K. P. SALVE (Maharashtra); Kaul and Shakdher cannot override the specific provisions of the rules. You point out the rule and we shall abide by it.

SHRI PAWAN KUMAR BANSAL; Rule 67 reads:

"MOTION FOR LEAVE TO INTRODUCE BILL; If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question: _____ "

In this case the honourable Minister has not given any explanatory statement also. The honourable Minister by introducing this Bill is making history, history which we will never be proud of in future. They are today admitting the failure of the Government in maintaining democracy in Punjab. That is the gravity of the

situation. The outer limit, for forty years that provision has remained; there has bee nin our Constitution provision for President's rule for a maximum of three years. And today the Government comes forth with this. While, we were discussing Punjab Budget, they were not in a position to tell us what their action was. They Were vacillating. The Prime Minister talked of this weakness, and then strength, the other day-mixing up the things. I hope he understands what is the difference betweeb the two. They are making amendment to have President's rule for it four years. They come up for President's rule for anotherh year. That Resolution as such can be extended only by six months. My objection is that they should not' come up for four years at all. At the most they can come up for 3*1* years. The maximum period for which they can now avail of is six months. *(Interruptions)*

THE DEPUTY CHAIRMAN: It is up to the discretion of the Chair. I allowed one person from your party to speak. *(Interruptions)* I allowed the opinion of one person. *(Interruptions)*

श्री हरबेन्द्र सिंह हंसपाल (पंजाब) : महोदया, मुझे कोई लम्बी-चौड़ी बात नहीं कहनी है। मुझे सिर्फ यह कहना है कि पंजाब के अंदर इलेक्शन होने चाहिए। इलेक्शन पोस्टपोन करने का कोई कारण नहीं है। दूसरे, तीन-चार महीने पहले जब पार्लियामेंट के इलेक्शन हुए थे तब जबकि ये अपोजीशन में थे, सारी पार्टियों ने एक स्वर से कहा था कि अगर वहां पर पार्लियामेंट के इलेक्शन हो सकते हैं तो एसेम्बली के इलेक्शन क्यों नहीं करवाए जा रहे हैं? वहां पार्लियामेंट के इलेक्शन पीसफुली हुए हैं। रिजल्ट जैसे भी हों... वह अलग बात है। पंजाब के लोगों को पूरा हक है अपनी एसेम्बली कांस्टीट्यूट करने का। उनको वोट का अधिकार पूरा मिलना चाहिए और आज यह एमेंडमेंट नहीं लाना चाहिए। कांस्टिटयूशन कोई मजाक नहीं है कि मेजोरिटी के बिना यहां एमेंडमेंट बिल लेकर आ जाएं। *(Interruptions)*

THE DEPUTY CHAIRMAN: Two people have spoken from your party. That is enough.

SHRI KAMAL MORARKA (Rajasthan): Mr. Pawan Kumar Ransal has raised a point at the introduction stage. It has been the convention of this House and I believe in the other House also that the merits of the Bill are not discusser at the introduction stage. Mr. salve will bear me out. If there is any constitutional impropriety, if there i*s* anything against the Rules of Procedure, at the introduction stage we .... *(Interruptions)* Will you hear me for half-a-minute? If the Bill conforms to the Constitution . •. *(Interruptions)*

There is the Statement of Objects and Reasons. Mr. Pawan Kumar Bansal has said that the Minister moving the Bill has not given the reasons. There is the statement of Objects and Reasons why this Bill has been brought forward. Now, the point has been made that the Government has admitted failure of democracy. All this should be spoken during the debate on the Bill This cannot form the subject matter of why the Bill should not be introduced. I will be happy to hear from Mr. Salve whether any other view can be taken—and Mr. Shiv Shanker. I will be prepared to go by their view on this subject.

THE DEPUTY CHAIRMAN: Now, the question is:

> "That leave be granted to introduce a Bill further to amend the Constitution of India."

SHRI SUBRAMANIAN SWAMY I want Division.

The motion was adopted.

SHRI MUFTI MOHAMMAD SAYEED; Madam, I introduce the Bill.

SHRI SUBRAMANIAN SWAMY; I said I want Division. I have the right. How can you overrule this? Can you tell me?

THE DEPUTY CHAIRMAN. The Railway Appropriation Bills. *(Interruptions)*

I. APPROPRIATION(RAILWAYS) BILL, 1990.

II. APPROPRIATION (RAILWAYS) NO. 2 BILL, 1990.

THE MINISTER OF RAILWAYS (SHRI GEORGE FERN ANDES): Madam, I beg to move

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91 for the purposes of Railways, as passed by the Lok Sabha, be taken into consideration.

"That the Bill to authorise Payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1989-90 for the purposes of Railways, as passed by the Lok Sabha, be taken into consideration."

The questions were proposed.

THE LEADER OF THE HOUSE (SHRI M. S. GURUPADASWAMY): May I request you to pass these Bills without discussion? *(Interruptions)*

THE DEPUTY CHAIRMAN. We generally do not discuss what we discuss in the Chamber. That is understood.

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER) : To this extent the Leader of the House reflects the opinion of all.

THE DEPUTY CHAIRMAN: That is a good spirit.

The question is:

That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for. the services of the financial year 1990-91 for the purposes of Railways, as passed by the Lok Sabha be taken into consideration.

The motion was adopted.

THE DEPUTY CHAIRMAN: Now we shall take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 *and the Schedule were added to the Bill.*

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI GEORGE FERNANDES; I move-

"That the Bill be returned."

The question was put and the motion was adapted.

THE DEPUTY CHAIRMAN: Now I put the second Bill to vote. The question is:

"That the Bill to authorise payment and appropriation of certain further sums, from and:, out of the Consolidated .Fund of India for the. services of the financial year 1989-90 for the purposes of Railways, as passed by the Lok Sabha. be taken into consideration,"

The motion was. adopted.

THE DEPUTY CHAIRMAN: Now we shall take up clause-by-clause consideration of the Bill.

Clauses 2 *and* 3 *and the* Schedule *were added to the Bill,*

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI GEORGE FERNANDES: I move:

"That the Bill be returned."

The question was put and the motion was adopted.